S.B. CIVIL WRIT PETITION NO.6003/2003.
(Lekraj Chhabra Vs. State of Rajasthan and Ors.)

DATE OF ORDER : 06.02.2007.

HON'BLE MR. GOVIND MATHUR, J.

Mr. RS Gill,for the petitioner
Mr. Shyam Ladrecha,AGA, for the respondent/s.

By this petition for writ, a challenge is given to the order dated 6.9.2003 passed by the State Government placing the petitioner under suspension exercising power under Rule 13 of the Rajasthan Civil Services (Classification, Control and Appeal) Rules, 1959 (for short 'the Rules of 1958' hereinafter) for the reason that a criminal case for the offence under Sections 7, 13(1)(d)(2) of the Prevention of Corruption Act 1988 read with Section 120-B IPC was registered against him at Anti Corruption Bureau, Rajasthan, Jaipur.

While giving the challenge to the order aforesaid, it is contended by the counsel for the petitioner that no recovery was made from the petitioner and at the relevant time he was not present even at the spot. It is asserted that the petitioner has been falsely implicated in the criminal case, as such, the order is arbitrary.

The sole contention of the petitioner to challenge the order of suspension as stated above is that he has been falsely implicated in the criminal case. An order placing a government

servant under suspension is appealable under Rule 22 of the Rules of 1958. The contention of the petitioner may be examined and adjudicated by the appellate authority under Rule 22 of the Rules of 1958. The petitioner has approached this Court under Article 226 of the Constitution of India without availing the remedy under Rule 22 of the Rules of 1958.

I do not find any just and valid reason to entertain the petition for writ without getting the petitioner exhausted with the alternative remedy available under the Rules of 1958.

The petition for writ is, accordingly, dismissed. However, it shall be open for the petitioner to challenge the order dated 6.9.2003 by way of filing appeal before the competent authority in accordance with the Rules of the 1958. In the event, the petitioner submits such appeal within a period of three weeks from today, the appellate authority shall decide the same on merits within a period of four weeks thereafter.

(GOVIND MATHUR)J.

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